

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: SP #02026 Rock Crusher

DATE: November 13, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: November 26, 2003

PROPOSAL: To operate a crusher.

LAND AREA: 9.06 acres, more or less.

CONCLUSION: Generally in conformance with the Comprehensive Plan and Zoning Ordinance. **This item is being reheard due to an error in the submitted legal and advertising.**

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Block 15 and 16, Cushman, in the NE 1/4 of Section 30, T10N, R6E.

LOCATION: Generally located at S. W. 40th Street and West "M" Street.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Demolition and material storage site.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	I-1 Industrial
South:	Fuel tanks, rail yard	AG Agriculture
East:	Open Field and one dwelling	H-3 and I-1
West:	Agriculture.	AG

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Industrial in the Comprehensive Plan. This is in the 2025 Future Service Limit.

HISTORY: This area was changed to I-1 Industrial in 1979.

SPECIFIC INFORMATION:

UTILITIES: Utilities available. This is in the City Limits.

TOPOGRAPHY: Sloping down to the south.

TRAFFIC ANALYSIS: West “O” Street is 2 lane U.S.Highway #6. S. W. 40th is a gravel county road. West “M” street is not improved.

PUBLIC SERVICE: This area is served by the Lincoln Public School District, the Lincoln Fire District, and is in the LES service area.

REGIONAL ISSUES: Entrance to the city. Development along “O” Street.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. There is no flood plain on the site. Crushing is a potential noise and dust generator. A private firm identified about 1/3 of an acre of wetland on this site.

AESTHETIC CONSIDERATIONS: This site is near an entry-way corridor. The site is not very visible since it is behind the tire store.

ALTERNATIVE USES: Other uses permitted in the Industrial zone.

ANALYSIS:

1. This is a request for the operation of a “rock crusher” on a 9 acre parcel, as provided in 27.63.290 and 27.47.030 b) 5).
2. The applicant indicates they will operate the crusher 5 days a week, from 7:30 AM to 6:00 PM, during one 3 week period per year. In the range of 5,000 to 15,000 tons annually.
3. The site is currently a contractor material yard and has commercial or industrial uses to the north and south.
4. A rock crushing operation could generate significant noise and dust. The existing residence across SW 40th street to the northeast would be the most impacted land use.
5. Public Works notes an access permit is required to SW 40th street and that all storage must be kept out of the right of way.
6. The Lower Platte NRD notes an NPDES permit is required if more than one acre is disturbed.

7. The Lincoln Lancaster County Health Department notes several issues including sufficient information to determine federal air quality operating permit requirements. Health Department is currently working with the applicant.
8. Building and Safety has not responded at this time.

CONDITIONS:

Site Specific:

1. This approval permits a rock crushing operation. The operation shall be limited to the operating hours of 7:30 AM to 6:00 PM, Monday through Friday. The crushing operating shall not exceed one continuous three (3) week period per calendar year.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including 6 copies showing the following revisions:
 - 2.1.1.1 Show the front yard set back and all storage outside the setbacks.
 - 2.2 Provide information to the satisfaction of the Health Department, including crusher capacity, year of manufacture and dust control equipment, as outlined in the Health Department memo dated June 30, 2003.
 - 2.3 The crusher operation shall meet all local, state and federal regulations.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before operation of this rock crusher all development and construction is to comply with the approved plans.
 - 3.2 Before beginning this crushing operation the City/County Health Department is

to approve the water, waste water systems and air quality and noise permits.

- 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb
Planner

APPLICANT: Henry R. Brandt
Brandt Excavation
404 Hill Street
P. O. Box 23014
Lincoln, NE 68542
(402) 474-4113

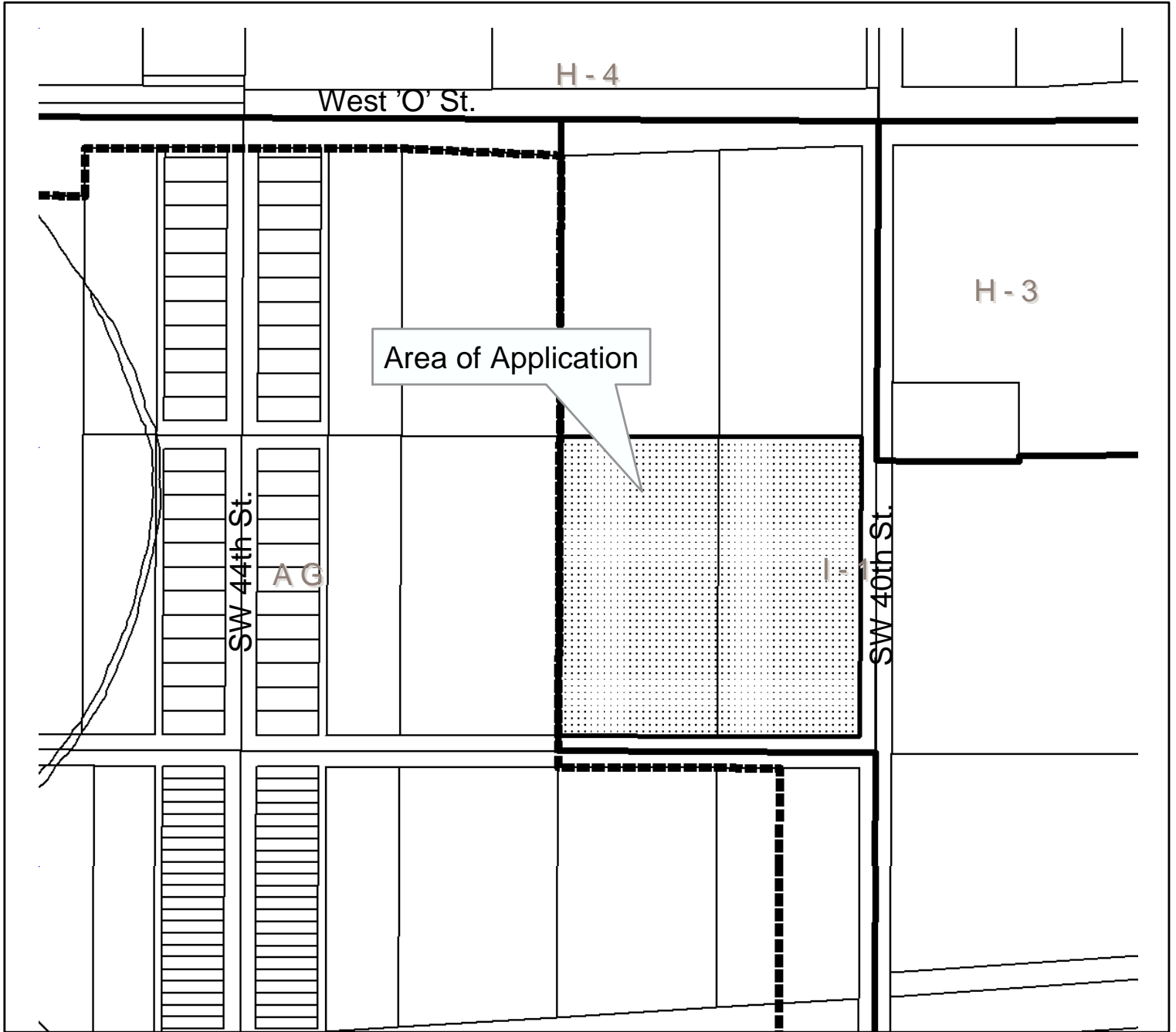
OWNER: Henry R. Brandt
13500 S.W. 2nd Street
Roca, NE 68430

CONTACT: Rick Brandt
404 Hill Street
P. O. Box 23014
Lincoln, NE 68542
(402) 474-4113



**Special Permit #2026
SW 40th & West 'M' St.**



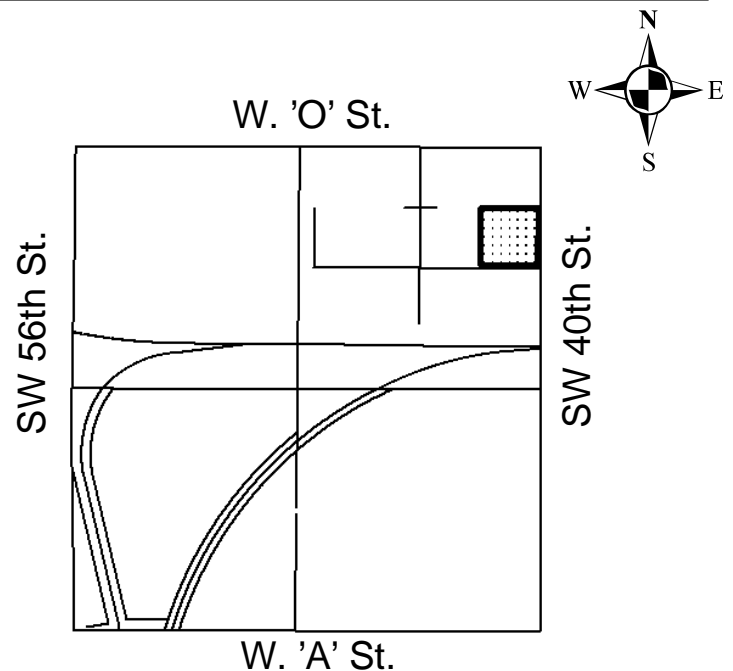
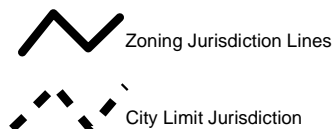


Special Permit #2026 SW 40th & West 'M' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 30 T10N R6E



BRANDT EXCAVATING

Brandt Excavating Crushing Site

SW 40th Street, Blocks 15 & 16, Cushman Park
Lancaster County NE 1/4 Section, 30-T-10N, R-6-E

Stockpiling: Six (6) days a week, Monday thru Saturday - 7:30 am to 6:00 pm
(Occasionally, not continually)

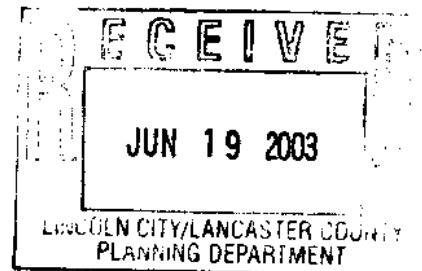
Crushing: Five (5) days a week - 7:30 am to 6:00 pm
Late June thru late March - one three week period per year

Number of employees working: One (1) employee on loader, averaging four hours per week

South area is in permit stage for filling. EDC Engineering is doing the plan.

Corp of Engineers looked at the site in February, 2003.

Geotechnical Services has done Wetlands Study and delineated small wetlands area - less than 1/3 of an acre.



N

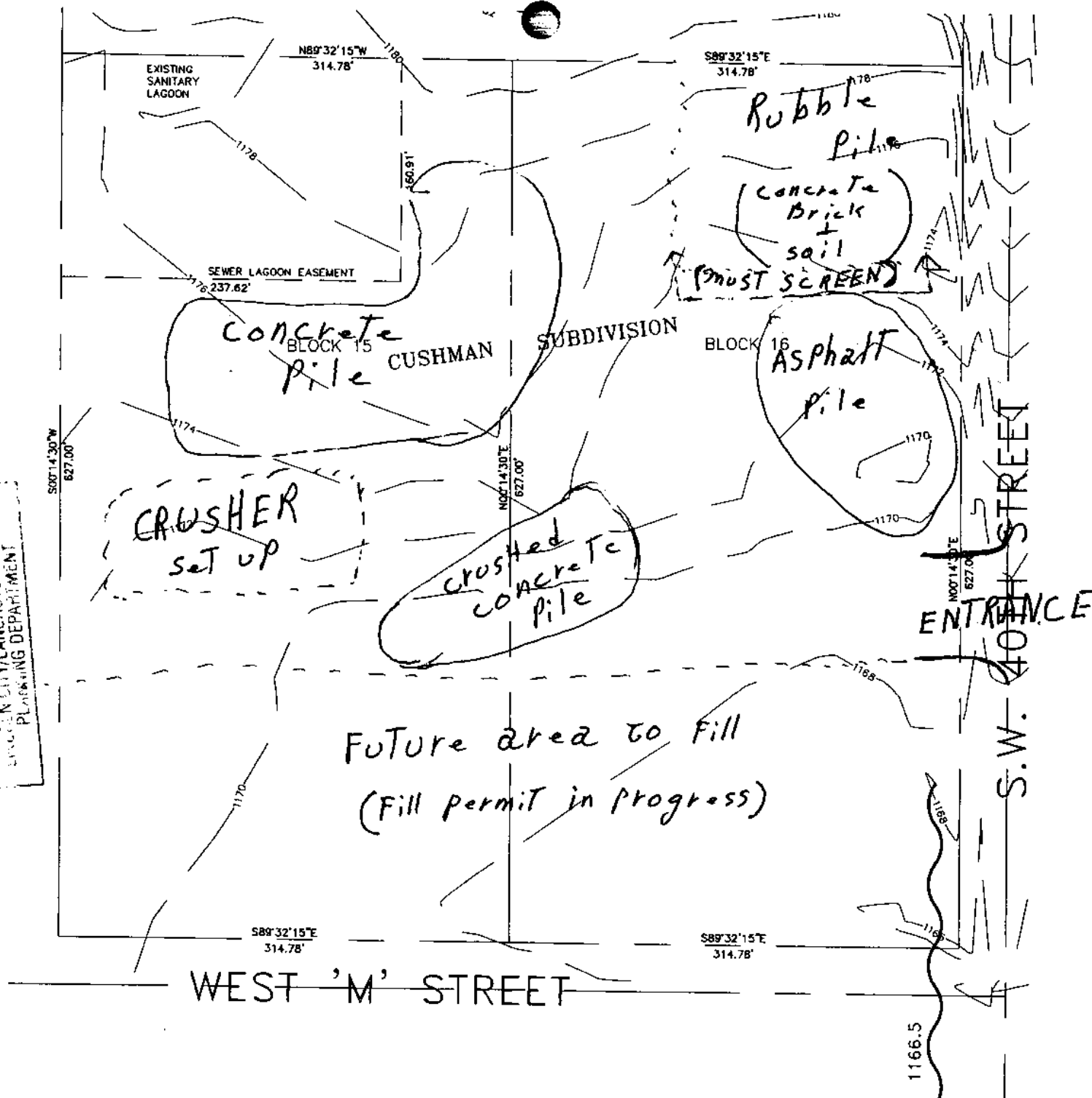
SCALE 1"=100'

RECEIVED

JUN 19 2003

CITY OF LINCOLN
PLANNING DEPARTMENT

1167.5



**Cushman Park
GRADING EXHIBIT
Lincoln, Nebraska**

Drawn By: RPO
Dwg.: grd_npdes
Date: 6/17/03
Job#: 03-019

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: June 30, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Brandt Excavating
SP #2026

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed crushing operation.

The LLCHD's Air Pollution Control Program requests additional information via the following questions. The information requested is necessary to determine whether a certain federal requirement applies to the crushing equipment and whether air quality construction and operating permits may be necessary to conduct this operation.

- What are the rated capacities of the crusher's screens and conveyors in tons per hour?
- Will this proposed unit be considered a "portable" crusher?
- If the crusher will be purchased used, what is the year of manufacture?
- Will there be any type of dust control equipment associated with the crusher? Fabric filter, water sprays?
- Will the crushing equipment be enclosed (within a building), partially enclosed, or operated without an enclosure?
- What type of dust control measures will be used for roadways and storage piles, if any?
- What is the maximum amount of rock that would be processed annually in tons per year?
- Provide a site diagram showing the location of equipment, roadways, property lines, and

adjacent occupied dwellings. The site diagram should be to scale.

- Indicate the maximum number of vehicle round trips annually for this site, the empty and loaded weights of the hauling vehicles, and the number of wheels associated with each vehicle.

Comments from Rick Brandt

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mike DeKalb

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- What are the rated capacities of the crusher's screens and conveyors in tons per hour? *Different every year depending on the contractor that crushes rock*
- Will this proposed unit be considered a "portable" crusher? *portable crushers will be used*
- If the crusher will be purchased used, what is the year of manufacture? *we will make agreements with different contractors to come in and crush*
- Will there be any type of dust control equipment associated with the crusher? Fabric filter, water sprays?
- Will the crushing equipment be enclosed (within a building), partially enclosed, or operated without an enclosure?
- What type of dust control measures will be used for roadways and storage piles, if any? *water - most of area is milld asphalt*
- What is the maximum amount of rock that would be processed annually in tons per year? *between 5,000 and 15,000 tons about 1 to 2 weeks*
- Provide a site diagram showing the location of equipment, roadways, property lines, and

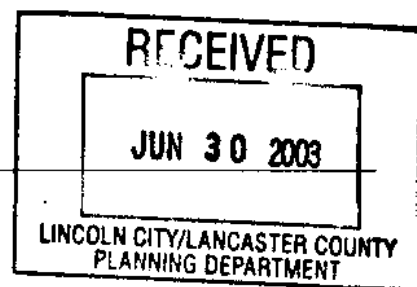
TOTAL P. 03

adjacent occupied dwellings. The site diagram should be to scale.

- Indicate the maximum number of vehicle round trips annually for this site, the empty and loaded weights of the hauling vehicles, and the number of wheels associated with each vehicle.

Tandem axle trucks, approximately 500 to 1000 round trips.

Memorandum



To: Mike Dekalb, Planning
From: Dennis Bartels, Public Works and Utilities
Subject: Special Permit #2026
Date: June 27, 2003
cc: Randy Hoskins
Virendra Singh

Engineering Services has reviewed the submittal for Special Permit #2026 at Southwest 40th and "M" and has the following comments:


1. Any filling or the storage or crushing operation needs to be located out of the public rights-of-way shown on the plans.
2. A permit is needed for the proposed driveway into the site. Southwest 40th is a gravel road and may be a dust problem.
3. The comprehensive plan shows that a railroad overpass is planned over the railroad south of this development. The project is under study and may affect this property when it is built.

**LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT**



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

Date: July 7, 2003
To: Mike Dekalb, Planning Dept.
From:  J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: Brandt Excavating S.P. #2026

We have reviewed the Special Permit for the site above.

- If the proposed crushing site will disturb more than one acre of land, an NPDES permit will need to be filed with our office, as well as with the Nebraska Department of Environmental Quality. With further information from the owner or their consultant, it could be determined that the NPDES Permit could be filed at the time of filling of the south area, as proposed.

If you have any questions, feel free to call.

JBD/jbd

pc: file

Devin L Biesecker

07/02/03 09:04 AM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: Brandt Excavating

Mike,

Sorry for the late comments but it appears that they are not in a floodplain (just north of it) and there are no wetlands on this site or adjacent to it. So I don't have any other comments I can think of.

Devin Biesecker
Watershed Management
City of Lincoln Public Works
441-4955